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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

WAYNE HAROLD COLESON,

Debtor.

Case No. 09-30613 DM 7

CHAPTER 7

**PRIORITY CLAIMANT'S OBJECTION
TO PROPOSED SALE OF INTEREST IN
SULLIVAN VINEYARDS AND CREDIT
OVERBID; REQUEST FOR HEARING**

NOTICE OF OBJECTION AND REQUEST FOR HEARING

Priority Creditor Andrea Crow ("Crow") hereby objects to the proposed sale of the estate's interest in Sullivan Vineyards Corporation ("Sullivan Vineyards") to Ross Sullivan ("Mr. Sullivan") for the cash sum of \$10,000 and overbids in the sum of \$11,000 as a credit on her 11 U.S.C. §507(a)(1) priority claim, the balance owing on which is in excess of \$106,270.84. Pursuant to local rule 9014-1 of the United States Bankruptcy Court for the Northern District of California, Crow hereby requests a hearing on this objection to proposed sale and overbid.¹

BASIS FOR OBJECTION

Crow is, *inter alia*, a priority unsecured creditor in this proceeding. By Stipulation filed herein on September 30, 2010 (Docket No. 42-3) approved by the Court on October 26, 2010 (Docket No. 46), Crow was determined to have a priority claim within the meaning of 11 U.S.C.

¹ Crow requests that the hearing not be scheduled the week of October 17, 2011 during which her counsel will be on vacation.

1 507(a)(1) in the amount of at least \$201,270.84. On or about May 23, 2011, Crow received a
2 partial distribution on her claim in the amount of \$91,520.89, leaving a balance owed on the claim
3 of at least \$109,749.95. As things stand, subject to Court approved administrative claims, Crow
4 will receive the balance of the funds in this estate (approximately \$46,000).

5 On September 19, 2011, the Chapter 7 Trustee, E. Lynn Schoenmann ("Trustee"), filed a
6 Notice of Opportunity to Be Heard on Motion to Approve Sale of Interest in Sullivan Vineyards,
7 for the cash sum of \$10,000 (Docket No. 71). Crow objects to the proposed Sale because, by
8 reason of her approved priority claim, she is the only beneficiary of the proposed sale and she
9 would prefer to receive whatever interest the estate has in the subject stock rather than the
10 proposed sale proceeds. To this end, she is prepared to credit bid and hereby credit-bids her
11 priority claim in the amount of \$11,000 to acquire said interest.

12 Based on the foregoing and subject to such other and further overbidding as the Court may
13 require, Crow respectfully submits that the Trustee should be ordered to sell the estate's interest
14 in the subject stock to her for her credit bid of \$11,000 and for such other and further relief as is
15 proper in the premises.

16 Dated: October 5, 2011

PINNACLE LAW GROUP LLP

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18 By: Matthew J. Shier
19 MATTHEW J. SHIER
20 Attorneys for Creditor
21 ANDREA CROW
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1 **CERTIFICATE OF SERVICE**

2 I am employed in the office of a member of the bar of this Court in the City and County of
3 San Francisco, at whose direction this service was made. I am over the age of 18 and not a party
4 to the within action. My business address is 425 California Street, Suite 1800, San Francisco,
5 California 94104.

6 On October 5, 2011, I caused to be served the document described as:

7 **PRIORITY CLAIMANT'S OBJECTION TO PROPOSED SALE OF INTEREST IN**
8 **SULLIVAN VINEYARDS AND CREDIT OVERBID; REQUEST FOR HEARING**

9 on the interested parties in this action by placing [] the original [X] true copies thereof enclosed
10 in sealed envelopes addressed as follows [] SEE ATTACHED LIST:

11 Ross A. Sullivan
12 Sullivan Vineyards
13 P.O. Box G
14 1090 Galleron Road
15 Rutherford, CA 94574

Attention: CHAMBERS COPIES
The Honorable Dennis Montali
United States Bankruptcy Court
235 Pine Street, Courtroom 22
San Francisco, CA 94104

16 [X] U.S. MAIL: Service was accomplished by placing the document(s) listed above in a
17 sealed envelope with postage thereon fully prepaid, in the United States mail at San
18 Francisco, California, addressed as set forth above.

19 [X] BY E-MAIL/NEF: Service was accomplished through the Notice of Electronic Filing
20 ("NEF") for parties and counsel who are registered ECF Users.

21 **09-30613 Notice will be electronically mailed to:**

22 Jay D. Crom
23 jcrom@bachcrom.com

24 Thomas F. Koegel on behalf of Trustee E. Schoenmann
25 tkoegel@crowell.com

26 Iain A. Macdonald on behalf of Debtor Wayne Coleson
27 iain@macdonaldlawsf.com, Brenda@MacdonaldLawSF.com

28 Office of the U.S. Trustee / SF
USTPRegion17.SF.ECF@usdoj.gov, ltroxas@hotmail.com

E. Lynn Schoenmann
tteschoenmann@earthlink.net, lschoenmann@ecf.epiqsystems.com

Matthew J. Shier on behalf of Creditor Andrea Crow
mshier@pinnaclelawgroup.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 5, 2011, at San Francisco, California.

/s/ Mike Terry
Mike Terry